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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 WILL MOSES PALMER, III,) Case No. CV 10-2497 JFW(JC)
12 Petitioner,)
13 v.) ORDER ADOPTING FINDINGS,
14 K. HARRINGTON, Warden,) CONCLUSIONS, AND
15 Respondent.) RECOMMENDATIONS OF UNITED
16 STATES MAGISTRATE JUDGE

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of
18 Habeas Corpus by a Person in State Custody (the “Petition”) and all of the records
19 herein, including the attached Report and Recommendation of United States
20 Magistrate Judge (“Report and Recommendation”), petitioner’s objections to the
21 Report and Recommendation (“Objections”), and petitioner’s Request for Judicial
22 Notice. The Court has further made a *de novo* determination of those portions of
23 the Report and Recommendation to which objection is made. The Court concurs
24 with and adopts the findings, conclusions, and recommendations of the United
25 States Magistrate Judge and overrules the Objections. Petitioner’s Request for
26 Judicial Notice is moot as taking judicial notice of the requested matters would not
27 alter this Court’s decision.

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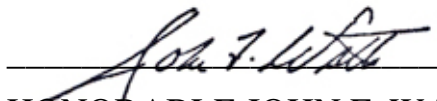
1 IT IS ORDERED that the Petition is denied and this action is dismissed
2 without prejudice because it is successive, petitioner did not obtain the requisite
3 authorization from the Court of Appeals to file a successive petition, and this Court
4 lacks jurisdiction to consider it.

5 IT IS FURTHER ORDERED that the Clerk of the Court shall refer the
6 Petition to the United States Court of Appeals for the Ninth Circuit (the "Ninth
7 Circuit") pursuant to Ninth Circuit Rule 22-3(a).

8 IT IS FURTHER ORDERED that the Clerk shall serve copies of this Order,
9 the Report and Recommendation, and the Judgment herein on petitioner and on
10 any counsel for respondent.

11 LET JUDGMENT BE ENTERED ACCORDINGLY.

12 DATED: May 18, 2010

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15 HONORABLE JOHN F. WALTER
16 UNITED STATES DISTRICT JUDGE
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